

**REMARKS**

Consideration of this application, as amended, is respectfully requested. Claims 1-3 have been canceled, claims 10-14 have been withdrawn, and thus, claims 4-9 remain in this application for examination on their merits.

Election/Restriction

In response to the Examiner's election/restriction requirement in which the Examiner constructively elected claims 4-9 for prosecution, and withdrew claim 10-14 as being drawn to a non-elected invention, Applicants have affirmatively withdrawn claims 10-14, and reserve the right to pursue these claims in a divisional application.

Claim Rejections Under 35 USC § 112

Applicants respectfully traverse the Examiner's rejection of claims 4-9 under 35 USC § 112, first paragraph. The Examiner states that the limitation "so that said carrying frame can be selectively detached from said ring seal with said mounting lugs remaining embedded within said ring seal" and "embedded" are not described in the specification and drawings. Applicants direct the Examiner's attention to the Preliminary Amendment filed April 12, 2005. In this amendment, the Abstract expressly states "mounting lugs which extend from the carrying frame and are embedded in the ring seal during molding of the seal." Further, the Abstract expressly states "The lugs are separable from the carrying frame with the application of a suitable braking force to enable selective detachment of the carrying frame from the ring seal." Accordingly, with this, and with what is shown in the drawings, particularly in Figures 3 and 4, with further guidance from the originally filed description, Applicants contend that one of ordinary skill in the art would be able to readily understand the conveyed disclosure as covering the claimed subject matter, and to understand that the claimed subject matter was possessed by Applicants at the time the application was filed. As such, Applicants believe this rejection should be withdrawn. Such action is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 4-9 under 35 USC § 112, second paragraph. The Examiner states that the limitation "embedded" is

Amendment in response to December 3, 2007 Office Action

unclear, given that Applicant is claiming the lugs as being embedded within the ring seal, and notes that the seal is shown as covering only three sides of the lugs. Applicants do not understand the Examiner's consternation with how the lugs are "embedded" within the seal. The term "embedded" does not require the lugs to be fully encapsulated. The term embedded conveys that the lugs are surrounded by a mass of the seal, such as, for example, a post being "embedded" in the ground. Surely an embedded post does not mean that the post is absent from sight as if it were completely covered on all sides beneath the ground. Rather, the term embedded only suggests that the post is sunk partially into the ground. As with a post being embedded in the ground, the lugs being embedded in the seal does not require their being completely absent from sight, only that they are at least partially received in the seal material. Accordingly, Applicants believe this rejection should be withdrawn.

Claim Rejections Under 35 USC § 102

Applicants respectfully traverse the Examiner's rejection of claims 4-9 as being anticipated by Scott (US Pat. No. 5,669,412, referred to hereafter as "Scott"). Claim 4, as previously amended, clearly recites patentable subject matter over Scott, and thus, for at least the reasons that follow, Applicants respectfully request that the rejections be withdrawn, and the claim allowed.

As noted in the previous response, claim 4 recites a ring seal with separable transport and assembly aid. The recitation includes a rubber ring seal having a periphery and a carrying frame extending about the periphery. The carrying frame has a plurality of frangible mounting lugs extending from the carrying frame, wherein the mounting tabs are embedded within the ring seal. The mounting tabs are separable from the carrying frame so that the carrying frame can be selectively detached from said ring seal with the mounting lugs remaining embedded within the ring seal.

In contrast to Applicants intended braking or separating of the lugs from the remaining portion of the carrying frame, Scott provides a two-piece check valve assembly 10, 110, 210. The check valve assemblies each have a rubber seal element 12, 112, 212 and a carrier member 14, 114, 214 that must be entirely separated from the seal element. As detailed in stated objectives of the summary (Col. 1, lines 48-61), the check valve assembly provides a two-piece snap-together device that permits individual molding of

**Amendment in response to December 3, 2007 Office Action**

the components. The seal element can be removed from the carrier member so that it can be removed and replaced when worn, without having to replace the entire assembly. Nowhere does it state or suggest intentionally braking a frangible portion of the carrier member so that a portion of the carrier member remains embedded within the seal. As such, contrary to the Examiner's opinion, Scott does not provide a ring seal with separable transport and assembly aid, as claimed by Applicants. Scott does not disclose or suggest a carrying frame with a plurality of frangible mounting lugs extending therefrom and being embedded within a ring seal, wherein the mounting lugs are separable from the carrying frame so that the carrying frame can be selectively detached from said ring seal with the mounting lugs remaining embedded within the ring seal. The Examiner's position stating that Scott provides lugs that are capable of being broken off is going well beyond what is disclosed by Scott. Absent destroying the carrier 14 in Scott in an unintended and undesirable manner, which can be said for anything capable of being broken under sufficient force, including steel beams, there is nothing within Scott that would direct one of ordinary skill in the art to arrive at the carrying frame having frangible lugs as claimed by Applicant. To suggest otherwise is requires reading far beyond the teachings of Scott.

Accordingly, Applicants believe that previously presented claim 4 defines patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Aside from claims 5-9 being dependent upon claim 4, and thus defining patentable subject matter for at least the same reasons stated above in support of amended claim 4, Applicants contend that claim 8 recites more than a method limitation as suggested by the Examiner. Claim 8 recites that the ring seal is molded about the mounting lugs. The molding limitation further conveys the structural mechanism by which the lugs are "embedded" in the seal. This is not taught by Scott, and to the contrary, Scott teaches molding the carrier 14 and the seal 12 separately from one another (Col. 1, lines 54-61). As such, the Examiner's conclusion that Scott discloses molding the seal 12 about the carrier 14 requires reading against the express teaching of Scott.

Accordingly, Applicants believe that previously presented claims 5-8 define further patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

**Appln. No.: 10/530,997**

**Amendment in response to December 3, 2007 Office Action**

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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Date

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